

ADOPTED BY
NOV 20 2000
COUNCIL

Entered - 10/17/00 - sb
CL 00L0629 - GWENDOLYN BURNS

00-*R*-1811

CLAIM OF: ANNIE M. CARR
4297 N. RidgeTrail
Ellenwood, Georgia 30294

For property damages alleged to have been sustained when a parked vehicle was flooded on September 21, 2000 at 800 Cherokee Avenue.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Annie M. Carr** the sum of **\$615.14** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained when a parked vehicle was flooded on September 21, 2000 at 800 Cherokee Avenue as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

APPROVED

NOV 29 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW

FAVORABLE REPORT

COM. *Public Safety*

DATE *11/14/00*

CHM. *[Signature]*

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

ATLANTA CITY COUNCIL PRESIDENT
NOV 20 2000
[Signature]

CERTIFIED
NOV 20 2000
Rosalind Rubens Newell
MUNICIPAL CLERK

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

00-R-1811

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Annie M. Carr** in the sum of **\$615.14** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained **when a parked vehicle was flooded on September 21, 2000 at 800 Cherokee Avenue** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

November 20, 2000

November 29, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0629

Date: November 2, 2000

Claimant /Victim ANNIE M. CARR
BY: (Atty) (Ins. Co.)
Address: 4297 N. Ridge Trail, Ellenwood, Georgia 30294
Subrogation: Claim for Property damage \$ 615.14 Bodily Injury \$
Date of Notice: 10/17/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/21/00 Place: 800 Cherokee Avenue - Cyclorama Parking Lot
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant's parked vehicle sustained water damage when it was flooded during a heavy rain. An investigation determined that the storm drain located next to claimant's vehicle was unable to accommodate the heavy volume of storm water during the rain. This has been a continuous problem and the City had prior knowledge of this condition.

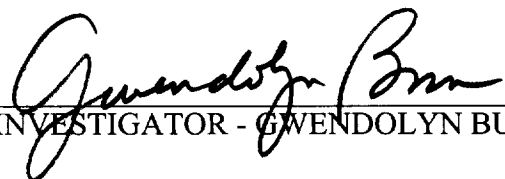
INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

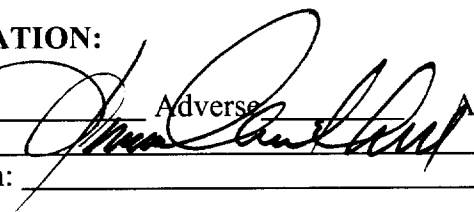
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable X
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 615.14 Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager:  Concur/date 11-02-00
Committee Action: Council Action

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0629

\$ 615.14

IN CONSIDERATION of the sum of SIX HUNDRED AND FIFTEEN AND 14/100
DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly
for or on account of property damage sustained when a parked vehicle was flooded
which occurred on or about the 21st day of September, 2000,
at or near 800 Cherokee Avenue

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 30 day of October, 20 00

Annie M. Carr (LS)
ANNIE M. CARR

The above release was read and explained to, and signed by the said Annie M. Carr
(Annie M. Carr)

in our presence on the date above written.

Betty V. Shockley
Kumbeley Chaves
WITNESSES

00- R -1811

Council President Pro Tem Starnes
Presided

RCS# 2401
11/20/00
2:00 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-18

00-R-1849
(Morris Voted NAY)

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty
Y Starnes
NV Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
NV Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA

00-O-1111
00-R-1693
00-R-1694
00-R-1695
00-R-1696
00-R-1697
00-R-1804
00-R-1835

CONSENT

11/20/00 Council Meeting		
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1690 2. 00-O-1691 3. 00-O-1692 4. 00-O-1845 5. 00-O-1864 6. 00-O-0728 7. 00-R-1702 8. 00-R-1703 9. 00-R-1705 10. 00-R-1707 11. 00-R-1850 12. 00-R-1865 13. 00-R-1851 14. 00-R-1873 15. 00-R-1622 16. 00-R-1623 17. 00-R-1699 18. 00-R-1775* 19. 00-R-1776* 20. 00-R-1777* 21. 00-R-1782 22. 00-R-1687 23. 00-R-1668 24. 00-R-1786 25. 00-R-1789 26. 00-R-1799 27. 00-R-1800 28. 00-R-1813 29. 00-R-1814	30. 00-R-1815 31. 00-R-1849# 32. 00-R-1858 33. 00-R-1862 34. 00-R-1787* 35. 00-R-1790 36. 00-R-1791 37. 00-R-1794 38. 00-R-1798 39. 00-R-1861 40. 00-R-1686 41. 00-R-1843 42. 00-R-1869 43. 00-R-1870 44. 00-R-0973 45. 00-R-0816 46. 00-R-1803 47. 00-R-1805 48. 00-R-1806 49. 00-R-1807 50. 00-R-1808 51. 00-R-1809 52. 00-R-1810 53. 00-R-1811 54. 00-R-1812	55. 00-R-1816 56. 00-R-1817 57. 00-R-1818 58. 00-R-1819 59. 00-R-1820 60. 00-R-1821 61. 00-R-1822 62. 00-R-1823 63. 00-R-1824 64. 00-R-1825 65. 00-R-1826 66. 00-R-1827 67. 00-R-1828 68. 00-R-1829 69. 00-R-1830 70. 00-R-1831 71. 00-R-1832 72. 00-R-1833 73. 00-R-1834 74. 00-R-1836 75. 00-R-1837 76. 00-R-1838 77. 00-R-1839 78. 00-R-1840 79. 00-R-1841 80. 00-R-1842 * President Pitts recused himself. # Lee Morris not voting.